

6:45 P.M. Roger Brooks RE: C-74 & C-78

2016 MAY -5 PM 2: 23

CITY CLERK'S OFFICE  
LEOMINSTER, MA

**CITY OF LEOMINSTER**

**CITY COUNCIL**

**MAY 9, 2016**

**JOHN P. MAHAN CITY COUNCIL CHAMBERS**

**PUBLIC FORUM, 7:15 P.M.**

**REGULAR MEETING OF THE CITY COUNCIL, 7:30 P.M.**

**ROLL CALL**

**APPROVAL OF RECORDS**

**COMMUNICATIONS**

- C-88 Dean J. Mazzearella, Mayor: Request authorization to enter into an agreement for Net Metering Power Purchase for solar generated electricity and related net electricity metering credits and authorize the Mayor to execute such agreements and take such actions as are necessary to administer and implement such agreements. (Legal Affairs)
- C-89 Relative to the appropriation of \$6,994.00 to the Gas Inspector Salary & Wages Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-90 Relative to the appropriation of \$9,000.00 to the Fire Department Expense Account; same to be transferred from the Excess and Deficiency Account.(Finance)
- C-91 Relative to the appropriation of \$30,000.00 to the Park Maintenance Expense Account; same to be transferred from the Excess and Deficiency Account.(Finance)
- C-92 Relative to the appropriation of \$49,000.00 to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)

## PETITIONS

- 52-16 Mackie Barch, for DO Health Massachusetts, Inc.: Consider and issue a Letter of Municipal Support or Non-Opposition relative to the siting of a Medical Marijuana Facility at 30 Patriots Circle. (Ways & Means)
- 53-16 Peter Campobasso, Esquire for Alternative Therapies Group Inc.: Request a local letter of non-opposition to locate a Registered Marijuana Dispensary in the City of Leominster. (Ways & Mean)
- 54-16 Edward J. Bartlett, Jr., CFO for Middlesex Integrative Medicine: Request a letter of support or non-opposition to operate a registered marijuana dispensary at 25 Mohawk Drive. (Ways & Means)
- 55-16 Marc Rosenfeld, CEO for CommCan Inc.: Request a letter of non-opposition to operate a Registered Marijuana Dispensary at Southgate Business Park. (Ways & Means).
- 56-16 Robert C. Carr, Jr. President & CEO for Nature's Remedy of Massachusetts: Request a letter of support or non-opposition to operate a Registered Marijuana Dispensary at Southgate Business Park.(Ways & Means)
- 57-16 William Plant: Renew the License for nine pool tables at J.C. Fenwicks Co., located at 37 Mechanic Street. (Ways & Means)
- 58-16 Aimee Lemoine: Renew the License for two pool tables at Seven R's, d/b/a A & R's Double Inn, located at 166 Water Street. (Ways & Means)
- 59-16 Kym Jollimore: Renew the License for one pool table at the Tankard, located at 13 Central Street. (Ways & Means)
- 60-16 Nellye Molina for J & J Consignment: Renew the Second Hand Dealer License for the premises located at 343 Central Street. (Ways & Means)
- 61-16 Susan Rogers for Movie Stop #7045: Renew the Second Hand Dealer License for the premises located at 82 Orchard Hill Park Drive. (Ways & Means)
- 62-16 Glen Canario/Southwin Limited: Amend the license for 272 Nashua Street to allow the storage of 12 above ground storage tanks, with a total of 191,000 gallons and 250,000 one gallon bottles of Class IIIB combustible liquid. (Legal Affairs)

### **PETITIONS, continued**

- 63-16 Peter E. Bovenzi, Trustee, Neighborhood Development Trust: Approve a zoning change to change maximum height for principal buildings in RC district as set forth in Subsection 22-40.3 on lots with at least five acres of area from 35 feet to 40 feet. (Legal Affairs)
- 64-16 Peter E. Bovenzi, Trustee, Neighborhood Development Trust: Approve a zoning change from Commercial District to Residence C District for a 21,840 square foot parcel as shown on Assessor's Map 317. Parcel 7A. (Legal Affairs)

### **APPOINTMENTS**

Disability Commission – David Patten – term to expire 4/15/2019

Cable Advisory Board – Deborah Toivonen and Alan Van Wert – terms to expire May 9, 2019

### **RE-APPOINTMENTS**

Cultural Commission – Barbara Mahoney – term to expire 4/15/2019

Board of Assessors – Richard Dondero – term to expire 4/15/2019

### **MATTERS BEFORE THE CITY COUNCIL**

#### **WAYS & MEANS**

- C-79 Dean J. Mazzearella, Mayor: Exempt Shelley Wells, a Special Education Teacher for the Leominster School Department, from the Conflict of Interest Law as provided for in M.G.L. Chapter 268 A, Section 20B as she will be taking a position with the Recreation Department.
- C-80 Dean J. Mazzearella, Mayor: Exempt Heather Parzuchowski, a Special Education Teacher for the Leominster School Department, from the Conflict of Interest Law as provided for in M.G.L. Chapter 268A, Section 20B as she will be taking a position with the Recreation Department.
- 48-16 ecoATM, Inc.: Renew the Second Hand Dealer License for the location at 100 Commercial Road.
- 49-16 Best Buy Stores, LP #1433: Renew the Second Hand Dealer License for the location at 33 Orchard Hill Park Drive.

## **MATTERS BEFORE THE CITY COUNCIL, continued**

### **LEGAL AFFAIRS**

- C-33 Dean J. Mazzearella, Mayor: Request that the City Council submit a request, pursuant to Article II, Section 8, Paragraph 1, Clause (1) of the Amendments of the Constitution, as amended by Article LXXXIX, that State Senator Jennifer L. Flanagan and State Representative Dennis A. Rosa file special legislation with the General Court, on behalf of the City, seeking to exempt the positions of Police Chief and Police Captain from the Civil Service Law, G. L. c 31, as follows:

AN ACT EXEMPTING THE POSITIONS OF POLICE CHIEF AND POLICE CAPTAIN IN THE CITY OF LEOMINSTER FROM THE CIVIL SERVICE LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The positions of police chief and police captain in the city of Leominster shall be exempt from Chapter 31 of the General Laws.

SECTION 2. This act shall take effect upon its passage.

- 36-16 Mackie Barch for Do Health Massachusetts: Grant a Special Permit to open a medical marijuana cultivation and dispensary facility at 30 Patriots Circle, as shown on Assessors Map 499, Lot 50. (Hearing continued to May 23, 2016 at 6:45 P.M.)
- 50-16 James Whitney: Rezone parcels 503-3-1, 503-3-2, 503-3-3, 503-3-4, 503-3-5 at the entry-way of Southgate Business Park to mixed use (MUI) from Industrial. (Hearing scheduled for May 23, 2016 at 7:00 P.M.)

### **PUBLIC SAFETY & TRAFFIC**

- 51-16 Brian J. Flathers: Install speed humps at several points on Union Street from Pleasant Street to the intersection of Union Street and Grant Street.

## **CITY OF LEOMINSTER – FINANCIAL REPORT**

### **FINANCE**

- C-78 Relative to the appropriation of \$100,000.00 to the Water Department Expense Account; same to be transferred from the Excess and Deficiency Account.

## **MATTERS BEFORE THE CITY COUNCIL, continued**

### **FINANCE, continued**

- C-81      Relative to the appropriation of \$9,534.00 to the Election & Registration Salary & Wages Account; same to be transferred from the Excess and Deficiency Account.
- C-82      Relative to the appropriation of \$8,600.00 to the Fire Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-83      Relative to the appropriation of \$25,000.00 to the Mayor's Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-84      Relative to the appropriation of \$10,500.00 to the Planning Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-85      Relative to the appropriation of \$8,205.00 to the Treasurer's Salary & Wages Account; same to be transferred from the Excess and Deficiency Account.
- C-86      Relative to the appropriation of \$15,100.00 to the Assessor's Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-87      Relative to the appropriation of \$2,800.00 to the City Clerk Salary & Wages Account; same to be transferred from the Election & Registration Expense Account.

### **APPOINTMENT**

Disability Commission – Gail Feckley – term to expire 4/15/17

### **RE-APPOINTMENTS**

Office of Emergency Management –

Assistant Directors -Jim LeBlanc and Richard Gauvin

Deputy Directors – Tom Piper, Dan Thibodeau, Carl Sanabria, Al Staal

Disability Commission - Susan Murray – term to expire 4/15/17

### **OLD BUSINESS**

RESOLUTION – Authorizing the Mayor to release the easements at 140 Adams Street  
(Ways & Means & Legal Affairs)

## **NEW BUSINESS**

RESOLUTION – Proposed Resolution to the Leominster City Council for the establishment of a protocol to issue Letters of Non-Opposition for Registered Marijuana Dispensaries pursuant to 105 CMR 725 (Ways & Means)

## **COMMUNITY CALENDAR**

### **TABLED PETITIONS UPON WHICH ACTION IS PROPOSED**

#### **LEGAL AFFAIRS**

6-14 Greg Chapdelaine, Purchasing Agent: Allow the Purchasing Agent to award a contract for I.T. services for a six- year period.

#### **PUBLIC SAFETY & TRAFFIC**

12-15 Michael Lovezzola for Barletta Engineering: Request 9 decorative light poles at completed lots and roads for the Castleland subdivision.

### **TABLED ORDINANCE UPON WHICH ACTION IS PROPOSED**

#### **LEGAL AFFAIRS**

2<sup>nd</sup> Reading Ordinance - Amend Chapter 22 of the Revised Ordinances, entitled “General Use Regulations,” by inserting the subsection 16.12 entitled “Temporary Moratorium on Medical Marijuana Treatment Centers.” (Legal Affairs Petition #7-14)

Lynn A. Bouchard  
City Clerk  
May 5, 2016